

FILED IN OPEN COURT
ON 11/17/2014 *W*
Julie A. Richards, Clerk
US District Court
Eastern District of NC

Defendant.

STIPULATION AND ORDER
REGARDING PROTECTION OF
GOVERNMENT DISCOVERY

1. Any and all discovery material produced to the defendant BASIT JAVED SHEIKH (the "defendant") by the government in the above-captioned case, and any and all copies, notes, transcripts, documents or other information derived or prepared from the discovery material, may be used by the defendant and defense counsel for any purpose consistent with this order in furtherance of the representation of the defendant in connection with the above-captioned indictment;

2. Any and all discovery material produced to the defendant by the government and any copies, notes, transcripts, documents or other information derived or prepared from the discovery material shall not be further disseminated by the defendant or defense counsel to any individuals, organizations or other entities, other than members of the legal staff of defense counsel¹ who have signed this Stipulation and Order, without further order of the Court;

3. Each of the individuals to whom disclosure is authorized in paragraph 2, that is, members of the legal staff of defense counsel who have signed this Stipulation and Order, shall be provided a copy of this Stipulation and Order and will be advised that he or she shall not further disseminate any portion of the discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material except in conformity with this Stipulation and Order;

4. Defense counsel agrees to maintain a list of the individuals to whom disclosure is authorized in paragraph 2, that is, members of the legal staff of defense counsel who have signed this Stipulation and Order, and to provide this list to the government and the Court upon request;

¹ The "members of the legal staff of defense counsel" may include any employee or expert acting in concert and at the request and direction of the defense counsel.

5. Where the defendant and/or defense counsel wishes to disclose any portion of the discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material to any individual to whom disclosure is not authorized by paragraph 2, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

6. None of the discovery materials nor any copies, notes, transcripts, documents or other information derived or prepared from the discovery material shall be disseminated to, or discussed with, the media in any form. Nothing in this Stipulation and Order prohibits the media from obtaining copies of any items that become public exhibits at any conference, hearing, trial or other proceeding; where the defendant and/or defense counsel wishes to attach any portion of the discovery material to public filings made with the Court, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

7. Any and all discovery material produced to the defendant by the government which consists of law enforcement created video or audio recordings shall not be copied or reproduced in any way; where the defendant and or defense counsel wishes to copy and/or reproduce such video or audio recordings, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such copies and reproductions, and notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such application;

8. Any and all discovery material produced to the defendant by the government which consists of law enforcement created video or audio recordings shall be maintained at the offices of defense counsel, and removed from such offices only by individuals to whom disclosure is authorized in paragraph 2 for purposes of transporting such video recordings to court or to legal visits with the defendant;

9. If any information about the actual or cover personal identifiers of any FBI Confidential Human Source (CHS) or FBI Online Covert Employee (OCE) is included within the discovery materials, the defendant and counsel will not publicly disclose such information in any pretrial filing or at any pretrial hearing in open court.

10. Nothing in this Stipulation and Order shall preclude the government from seeking a further protective order pursuant to Rule 16(d) or Section 3 of the Classified Information Procedures Act (CIPA) to particular items of discovery material;

11. If the defendant obtains substitute counsel, the undersigned defense counsel will not transfer any portion of the discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the such material unless and until substitute counsel enters into this Stipulation and Order;

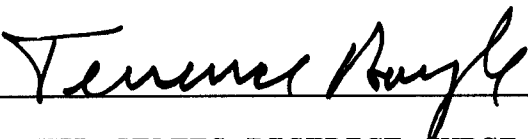
12. The defendant and defense counsel will return to the government the discovery material and all copies thereof, whether in the possession of the defendant, defense counsel or members of the legal staff of defense counsel who has signed this Stipulation and Order, when defense counsel ceases to represent the defendant or at the conclusion of any direct appeal, whichever comes first²; and

13. Any violation of this Stipulation and Order (a) will require the immediate return to the United States of the discovery material and all copies thereof, and (b) may result in contempt of Court.

² If any discovery material provided by the Government was done so by copying the information to a digital media device (i.e., a hard drive), the following will take place when the information is returned to the Government upon completion of trial and direct appeal: the Government will either remove the information from the device and return the device to the defense, or will replace the device with one that is substantially the same.

14. This Order is entered without prejudice to either party's right to seek a revision of the Order by appropriate motion to the Court.

So ordered, this 17 day of January, 2014.


UNITED STATES DISTRICT JUDGE
TERRENCE W. BOYLE